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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixth session

SUMMARY RECORD OF THE 134th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 6 April 1994, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Pakistan (continued) (CRC/C/3/Add.13; CRC/C.5/WP.1)

1. The CHAIRPERSON invited the Committee to resume its consideration of the replies to the list of issues (CRC/C.5/WP.1) drawn up on the basis of the initial report of Pakistan (CRC/C/3/Add.13), starting with the section entitled "Special protection measures". The issues were as follows:

"Special protection measures

Please provide specific information, in the light of the relevant chapter of the General Guidelines adopted by the Committee on:

(a) children in situations of emergency (arts. 22, 38 and 39 of the Convention) namely, as regards special protection to be granted to refugee children (para. 175 of the report) on:

(1) the measures taken to ensure the enjoyment by refugee or asylum-seeking children of the rights recognized by the Convention, including at the level of school enrolment and birth registration;

(2) the number of refugee and asylum-seeking children presently in Pakistan, their origin, successes and difficulties in providing them with protection and assistance.

(b) children in conflict with the law (arts. 37, 40 and 39 of the Convention) in particular on:

- the prohibition of capital punishment and life imprisonment without possibility of release;

- the prohibition of unlawful or arbitrary deprivation of liberty;

- the use of arrest, detention or imprisonment of a child as a measure of last resort and for the shortest possible period of time;

- the possibility of prompt access to legal and other appropriate assistance, as well as of challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and of having a prompt decision thereon;

- the measures taken to ensure that children deprived of liberty are treated with humanity and respect for their inherent dignity and in a manner which takes into account the needs of persons of their age;

- the opportunity for the child deprived of liberty to maintain contact with the family;

- the measures taken to implement article 40 of the Convention, including the safeguards ensured to the child alleged as, accused of or recognized as having infringed the penal law;

- the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of or recognized as having infringed the penal law;

- the training ensured to the professional groups dealing with children alleged as, accused of or recognized as having infringed the penal law, including judges, lawyers and law enforcement officials;

- the measures taken to promote the child's re-integration and the child's assuming a constructive role in society.

(c) children in situations of exploitation (arts. 32, 33, 34, 35, 36 and 39 of the Convention) and in particular on:

(1) the legal minimum ages established for the different activities and their compatibility with the Convention, namely in the case of work in the mines, hazardous employment and where the child is carrying on an occupation 'with the help of the family or in a school established, assisted or recognized by Government', as considered by the Employment of Children Act 1991, section 3 (Annex I to the report and paras. 20, 30, 39 and 44 of the report);

(2) the measures and strategies adopted to eradicate child labour (report paras. 30, 45 and 139);

(3) the way child labour inspection is currently functioning, the bottlenecks to its full effectiveness and the main measures envisaged to remedy existing difficulties and gaps (report paras. 43 and 44);

(4) the way child labour in agriculture and in the informal sector is inspected (report paras. 30 and 138);

(5) what is meant by 'labour camps' mentioned in paragraph 50 (j) of the report, what measures have been adopted formally to eliminate them, what is the situation of the children concerned, and in what way are the rights recognized by the Convention enjoyed by them, including at the level of rehabilitation (see also report paras. 88 and 89);

(6) the measures taken to eliminate forced labour, the difficulties encountered and the results achieved including at the legislative level (report paras. 88 and 89).

(d) children belonging to a minority or an indigenous group (art. 30 of the Convention), in particular on the measures taken to ensure their right to enjoy their own culture, profess and practise their own religion or to use their own language."

2. Mr. MOMBESHORA, noting that puberty was the criterion used in law to determine whether sexual offences were to be regarded as rape or adultery, asked what other legal criteria were used, and whether in such circumstances puberty was determined visually or by medical examination.

3. In connection with discrimination against girl children and women in general, he sought clarification of the claim made in certain written reports that evidence given by a woman carried only half the weight of that given by a man. He had also noted in the response to issue No. 2 of the section on Civil Rights and Freedoms that the Bonded Labour System (Abolition) Act 1992 had not been fully implemented and he wondered whether the matter had been resolved. Had all bonded labourers been released on the passing of the Act and did the Government intend to see that the Act was properly enforced throughout the country? In cases of conflict between federally and provincially enacted legislation, he wondered which laws were paramount.

4. Mrs. SANTOS PAIS said that as well as having difficulty in understanding the various levels of Pakistan's complex legal system generally, she was particularly concerned by the fact that the Penal Code and the Code of Criminal Procedure, being classed as special laws, could be overridden by special criminal legislation adopted by the provinces. A further cause for concern was that the 1979 hudood ordinances prescribed punishment for children of any age or religion, with no presumption of innocence even for children below the age of 7, took precedence over the special juvenile laws, and also provided for harsh punishment such as flogging, all of which were prohibited for persons under the age of 18 by article 37 (a) of the Convention. In that connection, she recalled that the Committee had made an urgent appeal to the Government of Pakistan on behalf of a 7-year-old boy accused of writing blasphemous remarks on the walls of a mosque, and she wondered what had happened since the Government's reply.

5. The use of puberty to determine criminal responsibility was too subjective a criterion and promoted discrimination against girls who attained puberty at an earlier age than boys. It also failed to take into account the degree of mental and emotional maturity of children.

6. The statement in paragraph 20 of the report (CRC/C/3/Add.13) that premarital/extramarital sex was prohibited and therefore the question of sexual consent did not arise was particularly difficult to comprehend, since the difference between adultery and rape was determined by the question of consent. UNICEF, reporting on the situation of women and children in Pakistan, had found that girls of 12 and 13 years of age had been punished for adultery because rape could not be proved. Had the question of consent been used, deprivation of liberty might have been prevented in those cases. The Convention, in article 37 (b), required States parties to use deprivation of liberty only as a measure of last resort and for the shortest appropriate period of time. UNICEF had also reported that children were often wrongly accused in order to shield adults. That situation was very serious in itself

and it could not be too strongly emphasized that children deprived of their liberty were often rejected by their families, making rehabilitation more difficult and sometimes resulting in their remaining forgotten in jail. What were the "proper times and proper restrictions" under which a child deprived of liberty was expected to maintain family contact, mentioned in the written replies concerning issue (b) of the Special Protection Measures? Depriving a child awaiting trial of his liberty was in any case contrary to the principle of presumption of innocence established in article 40 of the Convention. Such situations persisted because they were still governed by the Constitution and other legislative acts. If the Convention were incorporated into national legislation, children in Pakistan would be treated in a manner consistent with their worth and dignity. She accordingly urged the Government to take the appropriate steps as soon as possible.

7. Mr. KOLOSOV, referring to issue 5 (b) of the section entitled "Best interests of the child", asked whether it was the young spouses or the arrangers of a marriage between a male under the age of 18 and a female under the age of 16 who were liable to imprisonment and fine under the Child Marriage Restraint Act, 1929. He also wished to know how the various labour laws referred to in paragraph 5 (c) of the same section were implemented.

8. Article 9 of the Pakistan Constitution, referred to in the written reply to the second subsection of issue (b) under "Special protection measures", provided that "No person shall be deprived of life or liberty save in accordance with law". As age could be a determining factor in the passing or otherwise of a death sentence, he asked whether a person under 18 could be sentenced to death in places other than the State of Punjab, where 15 years was apparently the legal minimum age for such a sentence. Bearing in mind that article 37 (a) of the Convention prohibited capital punishment for persons below 18 years of age, had a death sentence ever been carried out on a person below that age?

9. Mr. HAMMARBERG said that the consistently serious accounts by UNICEF and various NGOs of the treatment of children under Pakistan's legal system confirmed the need for a major overhaul of the country's legislation to eliminate the apparent inconsistencies in the ages of criminal responsibility, the conflict between hudood and other criminal legislation, the imprisonment of rape victims as a result of that conflict, and the many other violations of internationally recognized children's rights. It was particularly important for children to be tried in special juvenile courts to avoid discriminatory treatment from province to province, and for legal assistance to be provided for them as a matter of course. In the light of articles 37, 39, 40 and others of the Convention, the Committee considered as totally unacceptable the situation, described in a large number of reports, of children, many of them innocent, languishing for years in jail for want of legal assistance, being subjected to sexual assault and rape in adult jails, and bad prison conditions generally, and it sought a more comprehensive response from the authorities in Pakistan on those issues.

10. Mr. HASHMI (Pakistan), replying to questions raised, said that as far as he was aware, the question of consent was the main issue in classifying a sexual offence as rape or adultery. However, even with a person's consent,

extramarital sex remained a punishable offence under the country's religious laws. Medical examinations were essential for the purposes of the courts as age was not a determining factor.

11. The situation in which a woman's evidence was worth half that of a man had been part of a system of laws now abolished along with many others. The effect of martial law, which had been imposed for many years in Pakistan, had been to suspend most other legislation including basic human rights and some basic clauses of the Constitution.

12. After the Bonded Labour System (Abolition) Act had been passed in 1992, police had been sent to all sites and areas, including Baluchistan, where bonded children were known to be working, to ensure that the provisions of the Act were implemented. Isolated cases might still persist and the Government was determined to take action in any cases which came to its notice.

13. Differences of opinion or interpretation between federal and provincial legislation were usually settled by the courts or, failing that, by the National Coordination Committee, representing all the provinces which determined by mutual consent which legislative measures should be paramount.

14. The 1979 ordinances were among the legislative measures passed during the periods of martial law already referred to, and had been intended to be only temporary measures. In some cases ordinances had remained in force because the act of parliament needed to abrogate or replace them had not yet been passed. The abrogation process was lengthy, requiring a two thirds majority vote in the legislative assembly plus the consent of all political parties, but it was an ongoing process.

15. Flogging had taken place during the period of Islamization and was no longer practised in Pakistan. It should be noted that upon assuming office, Mrs. Bhutto had set free all political prisoners, including children. If any member of the Committee had information concerning current cases of flogging, he would transmit it to the competent authorities in his country.

16. None of the children referred to by Mrs. Santos Pais were still in prison. He was not aware of any cases involving children who had been accused of crimes committed by adults.

17. To his knowledge, no child had been subjected to capital punishment although that measure existed in Pakistan.

18. Juvenile prisoners were segregated from adults. They received training which would enable them to be productive citizens upon their release from prison. He recognized the need to improve the situation in prisons and said that his Government was taking an interest in that question.

19. His country's criminal courts had come into being during the colonial era. There were courts at the magisterial level, high courts at the provincial level, and the Supreme Court at the national level. Therefore, a case which had been decided by a court in a province could be transmitted to a

high court and then to the Supreme Court if the parties were not satisfied. Until recently, the Chief Justice of the Supreme Court had belonged to a minority in the country.

20. It should be noted that the Islamic courts adjudicated various religious matters concerning a particular sect or religion if there was a question of conflict with religious laws. As in other countries, the Supreme Court was the final legal authority.

21. Mrs. SANTOS PAIS said that the existence of so many different legal systems made it essential for the people to know which law was applicable. That was even more important if consideration was given to the constitutional principle of equal treatment before the law.

22. She continued to believe that there was a lack of uniformity in the legislation in force in Pakistan and thought that it was important to ensure the existence of equal legislation throughout the country. In that connection, she said that the punishment applicable in a given province should not differ from that prevailing in another province.

23. Human rights could be limited only as required by a particular situation that arose in the country. There had to be some proportionality between decisions and reality. When a crisis ended, the legislation that had been adopted to deal with it should cease to be applicable.

24. Referring to paragraph 20 of the initial report, she said that sexual consent was an important reality and should be taken into consideration. That was not the case at the present time in Pakistan. However, according to article 34 of the Convention, States parties undertook to protect the child from all forms of sexual exploitation and sexual abuse. Therefore, if a child was raped, the State had a responsibility to intervene with a view to protecting the child. However, children were frequently considered to be guilty for something that they had not done and the Government should give serious consideration to that question.

25. Mr. MOMBESHORA said he would like to know whether the Federal Government would have the power, in the event that one of the provinces enacted a law which was not in conformity with federal legislation, to introduce a special amendment so that the provincial act would comply with federal law.

26. Mr. KOLOSOV noted that the abandonment of children below the age of 12 was punishable while the abandonment of those older than 12 years of age was not punishable. He wondered whether that situation was connected with the law of Shariah in view of the fact that all persons below the age of 18 were considered to be children under national legislation. It was his understanding that in Muslim countries the courts were always able to refer to the law of Shariah and decide any issue in the way it considered necessary.

27. Mr. HASHMI (Pakistan) pointed out that the law of Shariah was applicable throughout Pakistan, as was Anglo-Saxon law. The laws regarding the application or non-application of flogging had been promulgated by Parliament,

which was the supreme body in that respect and always at the will of the people. In that regard, he agreed that changes had to be made in legislation in order to ensure its compatibility with present-day realities.

28. In any Muslim country, the judiciary found its source of law in the Shariah and the Quran, but there was also an evolutionary concept in Islamic law. His Government was looking into the possibility of withdrawing its reservation but no decision had yet been taken in that regard.

29. The CHAIRPERSON said that she would welcome further information concerning the effect of acts enacted by one province on the other provinces in the country.

30. Mr. HASHMI (Pakistan), acknowledging that the situation could be confusing to those unfamiliar with a federal system, said that the Federal Government's commitment to the Convention made its provisions applicable to the country as a whole. However, since the provinces had their own legislations, the Federal Government, when informing the provincial legislatures of its commitments under the Convention, requested them to promulgate provincial legislation to embody those commitments. At present, only two provinces had been able to comply; the remaining two would do so in due course. When a provincial legal instrument took the form of an ordinance, it meant that it had been promulgated by the Governor, the representative of Federal Government in the province, to make the relevant provisions effective while awaiting their adoption as an act of the provincial parliament. An ordinance could not become an act until it had been considered by the provincial legislature. That was the reason why similar legal provisions could be embodied in an ordinance in one province and in an act in another.

31. The CHAIRPERSON said that the acts to which she had been referring were of relatively long-standing, having been adopted in 1897, 1955, 1983 and the like.

32. Mr. HASHMI (Pakistan) said it should be remembered that his country had been in independent existence for only 49 years. Acts promulgated before that date had been taken over from the time when they had been applicable to the whole subcontinent. He acknowledged, however, that there was a need to update the older legislation.

33. Mr. MOMBESHORA said that it still appeared to be the case that there could be a 10-year gap between the enacting of similar legislation in different provinces, which indicated a lack of uniformity in the administration of justice throughout the country. The legal provisions for protection of the civil rights of children in Punjab and Sindh, the 1983 Punjab Children Ordinance and the 1955 Sindh Children Act, did not appear to have been enacted in Baluchistan and North-West Frontier Province, so that children there seemingly did not enjoy equal protection. He asked how it was possible to enforce federal law in a province, when only legislation adopted by the provincial parliament was implemented there.

34. Mrs. SANTOS PAIS said it was a cause of concern to the Committee that the Convention was not self-executing in Pakistan, and that a number of children's

rights were acknowledged not to be recognized by the law and some not to be implemented. It was disturbing that different standards of child protection might be applied in different parts of the country. Granted it was the prerogative of parliaments to enact legislation, but it should be recalled that article 3 of the Convention enjoined that the best interests of the child should be a primary consideration for legislative bodies, while article 4 provided that all legislative measures should be taken to implement the rights recognized in the Convention.

35. Turning to the question of refugees, she asked whether all refugee children in Pakistan were being registered as refugees; she had information that only Afghan children were considered to be in that category. In the light of article 22 of the Convention, she asked what was the legal status of the 110 Bosnian children being given shelter by Pakistan, what measures Pakistan was taking to ensure that they retained contact with their families and what provisions were envisaged for family reunification.

36. Mr. HASHMI (Pakistan) asked for details about the refugee children mentioned, apart from Afghan refugees, to enable him to obtain the relevant information from his Government. As for the 110 Bosnian children, they had come in with their families, but he would make further inquiries as to their status for the information of the Committee.

37. Mrs. SANTOS PAIS said that, for example, according to her information there were child refugees from Iraq, Somalia and Iran in Pakistan. Her concern was that if all refugee children were not registered as such, their status might be forgotten and they could come to be treated as illegal immigrants.

38. With regard to children in a situation of exploitation, she pointed out that paragraph 19 of the Pakistan report acknowledged employment to be an exception to the definition that a person below the age of 18 years was a child. The Employment of Children Act, 1991 (para. 39 of the report) stated that no child below the age of 14 years should be engaged in any factory, or mine or any hazardous work; it would be preferable if Pakistan were to adhere to the ILO standard minimum age of 18 for such work. The Act also (para. 40 of the report) contained health-related criteria for prohibiting work by children; she recalled that article 32 of the Convention stated that criteria related to the child's physical, mental, spiritual, moral or social development should also be grounds for such prohibition. Paragraph 20 of the report stated that no child under the age of 14 years could be employed in the formal sector; the information in paragraph 30 of the report indicated, however, that the informal sector appeared to be the largest employer of children. Given the greater poverty in rural areas and the family nature of agricultural work, a large number of children were likely to be employed in farming, many under the age of 10 years. She asked what measures were being taken to inspect and prevent such work. Many young girls were employed in domestic work (para. 138 of the report). The written replies to issue c (1), implied that agricultural and domestic work were not covered by existing child labour legislation. She therefore urged the Government of Pakistan to consider acceding to the relevant ILO Convention on agricultural work. Recently, UNICEF had carried out a study in collaboration with the Pakistan Department of Labour which found that children working at home under parental

guidance were frequently subjected to abusive conditions of work by their parents owing to the pressure they were under from the employers, to whom they were in debt, and had made some recommendations for improving the situation. The fact that the recommendations issued from a joint study indicated recognition by the authorities of a need for action.

39. A meeting, jointly organized with the ILO and the Centre for Human Rights in Islamabad in November 1992, had adopted a programme of action and a number of recommendations against bonded labour by children. She inquired what progress was being made in that area and whether the recommended national machinery for effective enforcement of the Act recently adopted by Pakistan had been established and the judiciary strengthened to that end.

40. Mr. HAMMARBERG said that Pakistan deserved the highest commendation of the international community for having given shelter for long periods to some 3 million refugees from Afghanistan and succeeding in the difficult task of maintaining an atmosphere of tolerance in areas carrying a high density of refugees. That had constituted a heavy burden on a country with many financial and other problems. He hoped, however, that Pakistan would be prepared to continue to shoulder that burden, in view of the present disturbed state of Afghanistan and the likelihood of a further influx of refugees.

41. Noting with approval the Employment of Children Act, 1991 and the Bonded Labour Act, 1992, he said that child labour remained an area of urgent concern. In 1993, the ILO Committee of Experts on the Application of Conventions and Recommendations had considered the status of those instruments in Pakistan and had concluded that the principal problem was one of implementation. It had requested further information from the Government of Pakistan with regard to the number of children in bonded labour, the number released from such labour, the support and rehabilitation received on release and the establishment of local or regional watchdog committees to ensure that legislation was enacted and implemented. Since such concerns were very relevant to the Committee on the Rights of the Child, he asked what the Government's response had been to that request.

42. In the light of recent reports by non-governmental organizations, the media, ILO, UNICEF and even Pakistan itself, it would appear that persons working for the rights of the child at the local level in Pakistan had a very difficult task in that they were fighting against an entrenched system of injustice. Persons reporting abuses to the police were likely to suffer police harassment themselves instead of action being taken against the abusers. In order to make legislation enforceable at grass-roots level, there appeared to be a growing consensus that determined action was needed at higher administrative levels in order to make way for the necessary changes, since legislation alone was unlikely to do so.

43. Mr. HASHMI (Pakistan) agreed that unless legislation was fully implemented it lost its credibility; he was persuaded that the Government and legislature also shared that view. However, it should not be forgotten that progress was being made. After all, it was in Pakistan's own interest to implement changes as rapidly as possible since they would ultimately be of benefit to society as a whole and to children in particular. The Government was not trying to conceal the facts, it had freely provided the Committee with

information on the deprivation suffered by many children. The point was that the Government was itself in the process of taking stock of the situation; until it had done so effective action could not be determined nor assistance from the international community sought.

44. He would pass on the specific requests for information from Mrs. Santos Pais and Mr. Hammarberg to the appropriate quarters, which would reply to the Committee in due course. He agreed that implementing international instruments was as important as ratifying them; the police were certainly a key factor in ensuring implementation and should be motivated by the authorities to be vigorous in pursuing such action. Although it was making progress in the formal sector, the Government found it much more difficult to control informal employment. The obstacles to be overcome were rooted in social customs and traditions and in poverty - realities it was difficult to set aside.

45. The CHAIRPERSON thanked the representative of Pakistan for answering the Committee's questions. Child labour was a very important and emotive concern of the Committee; that was the reason for its dissatisfaction with some of the responses. While the passage of legislation in the field was important, the Committee had wanted more details on the actual measures taken, the strategies being pursued and the progress being made as a result. She looked forward to receiving such additional information from Pakistan since it would assist the Committee in gauging the progress made in implementing the Convention in Pakistan.

The meeting was suspended at 5.10 p.m. and resumed at 5.25 p.m.

46. The CHAIRPERSON invited the members of the Committee to make their concluding remarks.

47. Mrs. BELEMBAOGO thanked the representative of Pakistan for his efforts not only in replying to the Committee's questions and comments but also in facilitating contacts with his Government. It was clear that, despite the Government's efforts, many problems remained to be solved. She wished, therefore, to propose a number of measures for consideration by the Government of Pakistan. To begin with, she urged the Government to promote legislative steps with a view to enabling the provisions of the Convention to be invoked before the courts. In that regard, she congratulated the Government on the efforts made hitherto to revise existing legislation, and expressed the hope that the various improvements which the Committee had welcomed, including the raising of the minimum age for military service from 15 to 18 years, would be embodied in new texts and supported by the requisite measures to give effect to them. The Committee would also feel reassured if the Government of Pakistan could withdraw the reservation it had made to the Convention. It also hoped that special efforts could be made to rationalize the use of resources to be of the greatest possible benefit to the child, and that the situation relating to children's rights would continue to be monitored. Despite the further information received about progress made, the Committee remained concerned about the situation of girls, and in particular about the social and cultural obstacles they faced; she hoped that the Government would continue to seek further improvements in that regard, with the cooperation of

religious bodies. Lastly, she looked forward to continuing contacts between the Committee and the authorities of Pakistan, to whom she reiterated her thanks.

48. Mr. KOLOSOV said that, in addition to the concerns already expressed within the Committee, there was some disquiet about the slow progress being made in Pakistan in areas relating to the rights of the child since the ratification of the Convention; for example, the law which allowed persons under 18 years of age to be sentenced to capital punishment had not been repealed. In that regard, it was pointless to refer to the "length of the tunnel"; the fact that it was so long was all the more reason to enter it as soon as possible. He recommended that, in view of the complexity of Pakistan's current legislation, some of which was quite obsolete, the Government should study the possibility of adopting a specific comprehensive act dealing with the rights of the child. There were several examples, such as Peru's code of children's rights, which could serve as a model, and advisory services could doubtless be made available if required.

49. Mr. HAMMARBERG said that he, too, appreciated the effort made by the representative of Pakistan to deal with the many comments and requests put to him by the Committee. The latter's concerns, in that regard, were reflected in one sentence in the Declaration adopted at the World Summit for Children, to the effect that the Convention on the Rights of the Child provided a new opportunity to make respect for children's rights truly universal; for that reason, the Committee felt that reservations to the Convention's provisions should be avoided, and that, in every country, the rights of all children should be upheld, without distinctions on grounds of sex.

50. Perhaps the Government of Pakistan could establish an interministerial committee to approach the tasks involved; in addition, an all-party parliamentary committee could perhaps be set up to consider matters such as new legal measures and the question of budget priorities, bearing in mind the repeated call from international aid agencies for an increased application of resources to activities in the social field, including children's rights. Action should also be taken in such areas as girls' education, child labour and juvenile justice, as well as urgent political measures directed at the most glaring violations of children's rights, such as kidnapping and the trade in "camel kids". There was also a need for measures to provide education about children's rights, including appropriate training for law officers and family court judges relating to implementation of the Convention's provisions, which should also be the subject of a concerted information campaign throughout society. Problems in implementation, in cases of child labour for example, should be dealt with by means of exemplary prosecution, with a view to ensuring that legislation was respected. Such measures would signify a serious commitment, on the part of the Government, to the rights of the child.

51. Mrs. EUFEMIO endorsed the thanks expressed to the representative of Pakistan for his attention to the many issues raised. She felt that urgent attention should be given to the problems of trafficking in children and child sexual abuse, which had not been taken up in the Committee. Documentation presented to the Human Rights Committee in recent years had included accounts of alleged sales abroad of Pakistani children, Muslim and Hindu alike, for organ transplant purposes, of the use of children as heroin carriers to Iran,

and of rape and other forms of sexual abuse of minors, often by their supposed guardians. It seemed that such misdeeds were perpetrated with impunity since there was no applicable legislation. She was confident that the representative of Pakistan would convey to his authorities the Committee's concern about those matters.

52. She reiterated the Committee's request for an updated report on the situation of children, specially with regard to the exercise of family and other civil rights and to child exploitation in the informal sector. The need for such a study was imperative, especially as a guide for measuring the progress made as well as for self-monitoring by the Pakistani authorities, during the period up to the submission of the next report. It was important, in that regard, to involve provincial authorities in addition to, and distinctly from, those of the national Government in the process.

53. Mr. MOMBESHORA associated himself with the appreciation expressed to the representative of Pakistan. In general, he felt that Pakistan's legislation displayed some weaknesses, such as a lack of laws to give effect to the Constitution's provisions. There were also areas, such as discrimination and child adoption, where the legal system needed to be strengthened. Another matter which required attention was the need for the health services to be backed by law. Further labour legislation was also required, as well as better enforcement of that which already existed. Some legislation was clearly needed to provide a medical definition of sexual maturity, as well as measures to enable rape victims to give evidence in the courts.

54. Mrs. SANTOS PAIS thanked the representative of Pakistan for the constructive dialogue with the Committee. Among the points which she hoped he would stress to the Pakistan authorities was that of the Committee's concern about the broad nature of Pakistan's reservation to the Convention. She urged the authorities to reconsider the reservation. She also hoped that efforts would be made to promote and improve training, among police, the judiciary and other officials, as well as information campaigns in local communities, to improve the understanding and awareness of human rights, including the rights of the child. With regard to the latter, existing policy and budgetary mechanisms should be better coordinated and a monitoring system established.

55. Some progress had been made in the fundamental field of legislation, but more needed to be done. She would like to see the Convention's provisions incorporated as a basis for all legislation relating to the child; she drew attention to the advisory services available in the Centre for Human Rights in that regard. Due heed should be paid to the Convention's general principles as a basis for action, including equal treatment for girl children, the role of the family, and respect for children's own views. With regard to juvenile justice, it was important not only to eradicate practices of torture and other ill-treatment of detainees but also to abolish any legally sanctioned physical punishment. She noted that a number of Islamic law countries had recorded encouraging progress in that regard. The age of criminal responsibility in Pakistan should be raised; seven years was too low. Likewise, sentences of capital punishment and life imprisonment for persons under 18 years of age should be abolished.

56. Labour legislation should be brought as far as possible into line with the provisions of the Convention and ILO standards. In particular, steps

should be taken to rectify abuses in respect of bonded labour and the informal sector. She supported the "First Call for Children" when considering the allocation of admittedly limited resources. Although the Government of Pakistan faced a difficult task in striving to meet the commitments assumed pursuant to the Convention and the World Conference on Human Rights, it could rest assured that all its efforts to that end would attract the assistance of the Committee and the United Nations system as a whole.

57. The CHAIRPERSON said that only in the next report of Pakistan would the Committee be in a position to assess the progress made in regard to the rights of the child by means of the various measures mentioned, including new and amended legislation. Clearly the most pressing issue, in the Committee's opinion, was that of Pakistan's reservation to the Convention. There was also the question of coordinating provincial and federal legislation and considering the status of the Convention in that regard, the hope being that it would be made possible for the Convention's provisions to be invoked in the courts. Other matters stressed were the "First Call for Children" in resource allocation, a greater involvement of NGOs in work relating to children's rights, and a need for the widest public awareness of the Convention's provisions, including reporting to the Committee, and for children themselves to know about their rights. In that regard, measures should be taken to raise the level of literacy, of adults as well as children. Perhaps, too, religious leaders could be urged to give more heed to the rights of children. Lastly, it should be remembered that, as shown, for example, by a number of UNICEF studies and findings, progress depended on political will much more than on budgets.

58. She reiterated the thanks of all the Committee to the representative of Pakistan for his collaboration.

59. Mr. HASHMI (Pakistan) said that he was grateful to the Committee for the constructive dialogue and all the suggestions and recommendations, which he would forward to his Government for consideration. He assured the Committee that Pakistan did have the requisite political will, being mindful not merely of the impression it made on the Committee and the world community but also of the welfare of its own children. The Committee was clearly aware of the huge problems faced by Pakistan, and was welcome to visit the country if it wished to see, at first hand, the reality of the situation, including local predicaments. Pakistan recognized the importance of a continuing dialogue; countries and regions might have different approaches but all had the same objectives.

60. He thanked the Chairperson and members of the Committee for their understanding of his inability to provide sufficient specific replies to their questions and concerns, and he assured them of Pakistan's earnest desire to do everything possible to ensure a better life for children in Pakistan and everywhere.

61. The CHAIRPERSON requested the representative of Pakistan to convey to his authorities the thanks of the Committee and the Secretariat.

The meeting rose at 6.10 p.m.